

## REMARKS

By the present amendment, the specification and Claims 1, 4 and 8 have been amended. Claims 1-12 remain pending in the application, with Claims 1, 4 and 8 being independent claims. Claims 1, 2, 4 and 7-10 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over newly cited Harada (U.S. Patent Application Publication No. 2003/0007640 A1) in view of newly cited Horiuchi (U.S. Patent Application Publication No. 2003/0009667 A1). Claims 3, 5, 6, 11 and 12 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Harada in view of Horiuchi and newly cited Menezes (Handbook of Applied Cryptology).

Independent Claim 1 has been amended to recite, in part, a mobile communication terminal for providing mobile communication functions, for accessing a content server by at least one of wired and wireless communication, downloading content from the content server, and uploading the downloaded content to an external device which is not attached to the mobile communication terminal. Independent Claims 4 and 8 have also been amended in a similar manner.

Regarding independent Claim 1, the Examiner concedes that Harada does not disclose a memory for storing an encryption key for encrypting the content downloaded from the external device. The Examiner states that Horiuchi suggests these recitations in paragraphs 109 and 114, and asserts that it would have been obvious to modify Harada with the alleged suggestions of Horiuchi. The Examiner makes similar statements regarding independent Claims 4 and 8.

Harada describes a digital work protection system, record/playback device, recording medium device, and model change device. The Examiner relies on paragraphs 95, 102, 103, 105, 123-125, 159-165, 167, 169 and 174 for many of the recitations of Claim 1. These paragraphs refer to a digital work distribution system 100 shown in FIG. 1, a content distribution server device 200 shown in FIG. 2, and a mobile phone 300 shown in FIG. 3. The Examiner relies on the memory card 400 of the mobile phone 300 for satisfying the recited external device recited in Claim 1. The memory card 400 includes an external storage unit 410. Harada expressly states in

paragraph 89 that the memory card 400 is attached to the mobile phone 300 before various types of information are written into and read from the external storage device 410 by the mobile phone 400. In other words, the memory card 400 must be attached to the mobile phone 300 in order to operate.

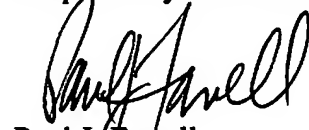
In contrast, in the present invention, the external device is attached to a device other than the mobile communication terminal. Therefore, the memory card 400 of Harada fails to satisfy the external device recited in Claim 1. Harada fails to satisfy similar recitations in Claim 4 and 8. Horiuchi fails to supplement the deficiencies of Harada.

Accordingly, amended Claims 1, 4 and 8 are allowable over Harada, Horiuchi, or any combination thereof.

While not conceding the patentability of the dependent claims, *per se*, Claims 2, 3, 5-7 and 9-12 are also allowable for at least the above reasons.

Accordingly, all of the claims pending in the Application, namely, Claims 1-12, are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



Paul J. Farrell  
Reg. No. 33,494  
Attorney for Applicant

THE FARRELL LAW FIRM  
333 Earle Ovington Blvd., Suite 701  
Uniondale, New York 11553  
Tel: (516) 228-3565  
Fax: (516) 228-8475

PJF/TCS/dr